

Congress of the United States

Washington, DC 20515

July 20, 2010

The Honorable John P. DeJongh
Governor
U.S. Virgin Islands
21-22 Kongens Gade
Charlotte Amalie
St. Thomas, VI 00802

Dear Governor DeJongh:

We are writing to you regarding Special Agent William Clark of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Special Agent Clark was assigned to the Virgin Islands to combat gun violence and according to ATF had an exemplary record. According to reports, on the morning of September 7, 2008, Special Agent Clark was walking to his car outside his residence when he came across one of his neighbors, Marguerite Duncan, visibly upset. She asked for him to help protect her from her irate boyfriend, Marcus Sukow. Special Agent Clark knew the couple and had previously witnessed a series of volatile disputes between the two.

According to eyewitness accounts, Mr. Sukow was standing unclothed in the street and acting in an irrational manner. Later toxicology reports would find that Mr. Sukow's blood alcohol level was nearly three times over the legal limit and also contained illegal barbiturates. Special Agent Clark attempted to assist Ms. Duncan in leaving the situation in her own vehicle, but as she attempted to leave Mr. Sukow assaulted her vehicle by smashing her car with large paving stones and a long Maglight flashlight.

Ultimately, Ms. Duncan fled her vehicle for the safety of Special Agent Clark's car. Witnesses report that Mr. Sukow charged at Special Agent Clark, brandishing the Maglight flashlight as a weapon. Special Agent Clark drew his government issued firearm and fired. Although Special Agent Clark rendered first aid at the scene to Mr. Sukow, he later died of his wounds. Subsequently, the Virgin Islands government filed a four-count criminal information against Special Agent Clark, including the charge of second degree murder.

Based on our review of the Virgin Islands Criminal Information filed against Special Agent Clark, as well as our knowledge of other relevant facts provided by the ATF, we are concerned that there are important omissions from the Virgin Islands charging instrument. Specifically, the information fails to include two relevant witness statements that corroborate Special Agent Clark's statement; fails to state that Mr. Sukow was naked and irrational, tossed large paving stones, swung a large metal flashlight, and threatened

to get a firearm and shoot his girlfriend; and fails to include the medical examiner's finding that determined Mr. Sukow was legally intoxicated and under the influence of barbiturates. In addition, ATF Internal Affairs thoroughly investigated this incident and found that Special Agent Clark was "acting within the scope of his employment and authority" and that there was "no evidence of misconduct or inappropriate action."

As you know, the U.S. government has supported efforts to combat increasing levels of gun and drug crimes in the Virgin Islands. The U.S. also has a long history of supporting conservation and disaster mitigation efforts in the Virgin Islands, including grants and technical assistance provided through the Department of Interior's, Office of Insular Affairs. While we believe this assistance signifies the important relationship between the U.S. and the Virgin Islands, that relationship must be built upon mutual respect and a belief in basic fairness under the law.

Since there appears to be a substantial omission of material evidence in the criminal information, we urge you to formally request that the United States Attorney General authorize the Department of Justice, Office of Inspector General to promptly investigate this entire incident in conjunction with the Virgin Islands Police Internal Affairs Division.

Thank you for your consideration of this request, and we look forward to your timely response.

Sincerely,


James Moran


Chris Lee